

REMARKS

The foregoing changes to Claim 25, the only claim in the application, are made to improve the clarity and accuracy with which the invention is claimed, as well as to emphasize more clearly the patentable distinctions over the references.

Reconsideration is respectfully requested for Claim 25 which was rejected under 35 U.S.C. 102(b) as being anticipated by Bartolucci US Patent 3,974,916, the Examiner stating that "Bartolucci discloses a method of improving personal hygiene through personally identifying beverages in a container having a major exposed surface comprising an array of normally closed indicia (30) representing and identifying penetrable apertures (20-26) disposed on the major surface and marking (20) a selected one of the apertures correlating with identity of a user." Continuing, the office Action states "The phrase 'penetrable apertures' as claimed is considered equivalent to a closed aperture and the closed apertures of Bartolucci are inherently capable of penetrating."

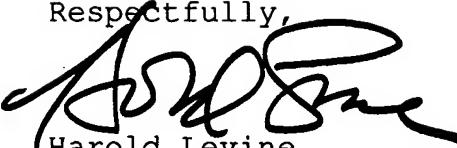
In response to the foregoing, Applicant has carefully studied the Bartolucci reference and is unable to find any teaching or suggestion of correlation with identity of the user (consumer). On the contrary the thrust of Bartolucci is to identify the contents of the container. Thus, in the introduction, Bartolucci states "It is an object of the present

invention to provide a container with a selective indicator which visually indicates the identity of the one of a variety of possible contents in the container without requiring . . . marking instrument or any other implement to effect the appropriate indication." (Underscoring added). This theme is continued through the specification, and, as mentioned above, Applicant has been unable to find any teaching or suggestion of marking to identify the consumer. Accordingly, it is respectfully requested that this ground of rejection be withdrawn.

Although the foregoing consideration is deemed to patentably distinguish the claim over the reference, Applicant would respectfully call attention to the statements expressly made in Bartolucci: first, (at column 1, lines 37 et seq.) "Still another object of the invention is to provide a visual indicator of the type described which will not affect the integrity of the container." and (column 2, lines 50 et seq.) "The everted portion 20 does not become ruptured; hence, the integrity of the sealed container remains intact. (Emphasis added). Thus the Bartolucci reference teaches away from apertures.

The remaining references which were cited but not applied to the claims have been considered but are not deemed to teach or suggest the subject matter of the claim. Accordingly, it is respectfully requested that the claim be allowed and that the case be advanced to issue.

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Respectfully,

Harold Levine
Attorney for Applicant
Registration Number 19,316
Bank of America Plano Tower, Suite 755
101 East Park Boulevard
Plano, Texas 75074
Tel: 972-398-6041
Fax: 972-398-6095

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Harold Levine